

No. 25-1519

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

**J.O.P., *et al.*,
Plaintiffs - Appellees,**

v.

**U.S. DEPARTMENT OF HOMELAND SECURITY, *et al.*,
Defendants – Appellants.**

**FIRST MOTION FOR AN EXTENSION OF TIME TO FILE
OPENING BRIEF AND JOINT APPENDIX**

Defendants-Appellants, U.S. Department of Homeland Security, *et al.*, respectfully move this Court for an extension of time of thirty days to file their opening brief and joint appendix. Counsel for Plaintiffs-Appellees have taken no position on this motion. This is the first motion to extend that Defendants-Appellants have sought since this Court issued the briefing order on November 20, 2025 (ECF No. 51). The opening brief and joint appendix are currently due on December 30, 2025. If the Court grants this extension, the new due date will be January 29, 2026.

This extension request is supported by good cause. Due to the effects of recent lapse in appropriations, internal and external deadlines of counsel have been condensed. Further, the current December 30 deadline falls during the holiday

season, which can make it difficult to coordinate with necessary stakeholders in the Department of Justice and client agencies. Additional time is accordingly required to finalize Defendants-Appellants' opening brief and appendix.

Undersigned counsel contacted counsel for Plaintiffs-Appellees on December 19, 2025 for their position on this request. Also on December 19, 2025, counsel for Plaintiffs-Appellees responded that Plaintiffs-Appellees do not take a position on this motion.

As a result, the Defendants-Appellants respectfully requests that the Court grant this motion for an extension of time through and including January 29, 2026, to file Defendants-Appellants' opening brief and joint appendix. If granted, the new deadlines would be:

- January 29, 2026— Defendants-Appellants' Opening Brief and Joint Appendix.
- March 2, 2026—Plaintiffs-Appellees' Responsive Brief.

Dated: December 19, 2025

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ANTHONY NICASTRO
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Respectfully Submitted,

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/s/Richard G. Ingebretsen
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CERTIFICATION OF COMPLIANCE AND SERVICE

I hereby certify that the body of this response, including footnotes, contains 248 words, thereby satisfying the 5,200-word limit in Fed. R. App. P. 27(d)(2)(A). I further certify that this response complies with the typeface and type-style requirements of Fed. R. App. P. 27(d)(1)(E) by using Microsoft Word's Times New Roman 14-point font.

I further certify that on December 19, 2025 I caused a copy of this motion to be served, by the Notice of Docketing Activity generated by the Fourth Circuit's electronic filing system, on counsel of record.

Dated: December 19, 2025

s/ Richard G. Ingebretsen

Richard G. Ingebretsen

Trial Attorney